

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

NOTICE OF ALIBI
09 Cr. 135 (SJ)

JOHN A. BURKE,


Defendant.

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Pursuant to Rule 12.1(a)(2) of the Federal Rules of Criminal Procedure the defendant John Burke serves notice upon the government that on August 28, 1982 from approximately 12:00 A.M. to 8:00 A.M. the defendant John Burke was in Finnegan's Bar located at 125-20 101st Avenue, Richmond Hill, Queens, New York.

The alibi witnesses with whom the defendant intends to rely are:

1. William Cummings, c/o Monte J. Rosenstein, Esq. (845) 692-8006.
2. The trial testimony of Gennaro Deleva Barbara Musachio, John Burke, Sr., and Frank Morano at the trial of John Burke, Jr., Ind. Nos. 4115/82 and 3617/82 in the Supreme Court of the State of New York, 6 County of Queens, Criminal Term on October 10, 1983. On information and belief all of the above witnesses are now deceased.

Pursuant to Rule 12.1(b) the defendant demands the government provide to him the name of each witness with the witnesses' address and telephone number that the government intends to rely to establish that the defendant was present at the scene of the alleged offense as well as each government rebuttal witness to the defendant's alibi defense.


Howard L. Jacobs

New York, New York
April 6, 2011